

**FILED**

**Nov 07 - 2023**

John M. Domurad, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

SOUTHWESTERN PAYROLL SERVICE, INC., and  
GRANITE SOLUTIONS GROUPE, INC.,

*Plaintiff,*

v.

PIONEER BANCORP INC., et al.,

*Defendants.*

Case No. 1:19-cv-1349 (FJS/CFH)

NATIONAL PAYMENT CORPORATION,

*Intervenor-Plaintiff,*

v.

PIONEER BANCORP INC., et al.,

*Defendants.*

**ORDER**

THIS MATTER having come before the Court by way of an October 12, 2023 letter motion by defendants Pioneer Bank and Pioneer Bancorp Inc. (“Pioneer”) requesting a conference to discuss a potential procedure for adjudicating any claim of privilege or protection that the New York Department of Financial Services (“NYDFS”) may seek to assert with respect to the Reports of Examination of Pioneer Bank that NYDFS delivered to Pioneer Bank on June 2, 2016 (the “2016 ROE”) and September 12, 2018 (the “2018 ROE”) [Dkt. No. 300];

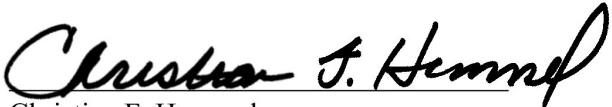
And the Court having held a conference concerning the matter on November 3, 2023, at which it determined that NYDFS should be granted an opportunity to intervene for the limited purpose of asserting any privilege or protection it may claim over the 2016 ROE and the 2018 ROE;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pioneer shall serve a copy of this Order on the NYDFS representative(s) with whom Pioneer has been conferring regarding the 2016 ROE and the 2018 ROE by email and first-class mail on or before November 10, 2023, and shall file a letter with the Court certifying service of the Order on NYDFS on or before November 13, 2023.
2. Within 14 days of its receipt of this Order, NYDFS shall contact the Court and/or seek intervention to assert any privilege that NYDFS may claim to possess with respect to the 2016 and 2018 ROEs; if NYDFS fails to contact the Court or seek intervention within the specified timeframe or indicates to the Court that it will not seek to raise any such privilege, Pioneer may proceed with use of, and reliance on, the 2016 and 2018 ROEs.

**IT IS SO ORDERED.**

Dated: November 7<sup>th</sup>, 2023  
Albany, New York

  
Christian F. Hummel  
U.S. Magistrate Judge